

# **Nodiadau ategol ar lenwi deiseb am orchymyn/ddyfarniad rhagdybio marwolaeth a diddymu priodas/partneriaeth sifil**

## **Pwysig**

### **Effaith gorchymyn/dyfarniad rhagdybio marwolaeth a diddymu ar etifeddiaeth**

Os rhoddir y dyfarniad/gorchymyn bydd yn diddymu (terfynu) eich priodas/partneriaeth sifil yn yr un ffordd ag y byddai dyfarniad/gorchymyn ysgaru/diddymu yn ei wneud. Bydd hyn yn effeithio ar eich hawl i etifeddu o ewyllys eich cyn briod/partner sifil neu diewyllysedd (lle nad oes ewyllys). Os oedd eich priod/partner sifil wedi gadael ewyllys, bydd eich penodiad chi fel ysgutor neu ymddiriedolwr ac unrhyw rodd a wnaethpwyd i chi yn cael eu diddymu (canslo) oni fydd bwriad fel arall yn yr ewyllys. Os na adawodd eich cyn briod neu eich cyn bartner sifil ewyllys, bydd y trefniadau diewyllysedd yn berthnasol. Yn yr achosion hyn, ni fydd gennych hawl i i'r hyn y mae gan briod neu bartner sifil hawl iddo.

Ni fydd y dyfarniad/gorchymyn hwn ar ei ben ei hun yn ddigon i unrhyw un gael profiant neu lythyrau gweinyddu yng nghyswllt ystad eich priod/partner sifil. Bydd angen cymryd camau pellach cyn y gellir gwneud cais am brofiant neu lythyrau gweinyddu; bydd natur y camau hyn yn dibynnu ar amgylchiadau'r farwolaeth ragdybiedig.

Os bydd angen rhagor o fanylion arnoch am ganlyniad cael y gorchymyn/dyfarniad hwn neu am unrhyw opsiynau eraill sydd ar gael i chi, dylech gael cyngor cyfreithiol.

### **Ceisiadau am orchymynion ariannol**

Oherwydd marwolaeth ragdybiedig eich priod/partner sifil, ni fyddwch yn gallu gwneud cais am unrhyw orchymyn ariannol yn ei erbyn/herbyn, oni ddeuir o hyd iddo/iddi yn fyw yn ddiweddarach. Os deuir o hyd iddo/iddi yn fyw ar ôl i'r dyfarniad/gorchymyn gael ei roi, cewch wneud cais am orchymyn ariannol yn yr un ffordd ag y gallwch mewn achos ysgaru/diddymu. I gael rhagor o fanylion darllenwch daflen **D190 – Rwyf eisiau gwneud cais am Orchymyn Ariannol**.

# **Supporting notes for guidance on completing a petition for a presumption of death decree/order and dissolution of the marriage/civil partnership**

## **Important**

### **Effect of a presumption of death and dissolution decree/order on inheritance**

If the decree/order is granted it will dissolve (end) your marriage/civil partnership in the same way as a divorce/dissolution decree/order would do. This will affect your right to inherit from your former spouse/civil partner's will or intestacy (where there is no will). Where your spouse/civil partner left a will, and appointment of you as executor or trustee and any gift made to you shall be revoked (cancelled) unless contrary intention appear in the will. If your former spouse/civil partner did not leave a will the intestacy procedures will apply. In these cases you will not be entitled to the entitlements of a spouse/civil partner.

This decree/order on its own will not be sufficient for anyone to obtain probate or letters of administration in relation to your spouse/civil partner's estate. Further steps will be required before an application for probate or letters of administration can be made; the nature of these steps will depend upon the circumstances surrounding the presumed death.

If you need to find out more details on the consequences of obtaining this decree/order or any other options available to you, please seek legal advice.

### **Applications for financial orders**

Due to the presumed death of your spouse/civil partner you will not be able to apply for any financial orders against them, unless they are later found to be alive. If they are found to be alive after the decree/order is granted you can apply for a financial order against them in the same way as you can in divorce/dissolution proceedings. For more details please see leaflet **D190 – I want to apply for a Financial Order**.

## Cyn llenwi'r ffurflen

Dylech lenwi'r ffurflen hon os ydych yn dymuno gwneud cais i'r llys i ddiddymu'r briodas neu bartneriaeth sifil rhyngoch chi a'ch priod neu bartner sifil oherwydd ei farwolaeth/marwolaeth ragdybiedig. Gallwch wneud cais am ragdybiaeth o farwolaeth a diddymu eich priodas/partneriaeth sifil os yw eich priod/partner sifil wedi mynd ar goll a chithau'n credu bod sail resymol dros ragdybio ei fod/bod wedi marw. Cewch wneud cais unrhyw adeg ar ôl i'ch priod/partner sifil fynd ar goll cyn belled â bod gennych ddigon o dystiolaeth i ddangos bod y farwolaeth wedi digwydd go iawn. Gall cyfreithiwr eich cynghori am y dystiolaeth y bydd angen i chi ei darparu. Os na fydd gennych ddigon o dystiolaeth, efallai y bydd yn rhaid i chi aros am saith mlynedd ar ôl i'ch priod/partner sifil fynd ar goll i wneud cais.

Os ydych yn atodi unrhyw orchymyn gan yr Uchel Lys neu lys sirol i'ch deiseb, rhaid iddo fod yn gopi dan sêl o'r gorchymyn (hynny ydy, copi sydd wedi'i stampio â sêl y llys). Os ydych yn atodi gorchymyn wedi'i wneud gan Lys Achosion Teulu/llys ynadon, rhaid iddo fod yn gopi ardystiedig (copi wedi'i ardystio gan swyddog llys fel gwir gopi o'r gorchymyn gwreiddiol), neu gopi sydd wedi'i stampio â sêl y llys cychwynnol. Os nad ydych yn sicrh beth sydd ei angen, cysylltwch â'r llys lle rydych yn gwneud cais am gymorth.

Ar ôl ei llenwi, anfonwch neu ewch â'r ddeiseb i'r llys ynghyd â ffi'r llys ac unrhyw ddogfennau yr ydych yn eu hatodi i gefnogi'ch cais. Os nad ydych yn sicrh beth yw'r ffi sy'n daladwy i'r llys ar gyfer eich cais, neu os ydych yn meddwl nad oes yn rhaid i chi dalu'r ffi gyfan neu ran ohoni, gallwch fynd i [www.justice.gov.uk](http://www.justice.gov.uk) neu gysylltu â'r llys i gael rhagor o wybodaeth.

Ceisiwch lenwi'r ffurflen cyn llawned ag y gallwch. Os na fydd y ffurflen wedi'i llenwi'n gyflawn efallai na fydd y llys yn gallu cychwyn eich cais a gall hyn achosi oedi i'ch achos.

Os cawsoch briodas grefyddol yn ogystal â phriodas sifil, efallai na fydd yr achos rhagdybio marwolaeth a diddymu hwn yn terfynu rhan grefyddol eich priodas. Mae'n bwysig eich bod yn cysylltu â'r awdurdod crefyddol perthnasol a awdurdododd y briodas i weld a ddylech gymryd camau i derfynu'r briodas honno. Os na fyddwch yn terfynu'r briodas grefyddol, gallai hyn effeithio arnoch chi a'ch plant.

## Before completing the form

You should complete this form if you wish to apply to the court to dissolve the marriage or civil partnership between you and your spouse or civil partner due to their presumed death. You can apply for a presumption of death and dissolution of your marriage/civil partnership if your spouse/civil partner has gone missing and you believe that reasonable grounds exist for presuming their death. An application may be made at any time after your spouse/civil partner went missing providing you have sufficient evidence to signify that death has actually taken place. A solicitor will be able to advise you on the evidence you will need to provide. If you do not have sufficient evidence, you may have to wait for a period of seven years after your spouse/civil partner went missing to make an application.

If you are attaching any order of the High Court or a county court to your petition, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court). If you are attaching an order made by a Family Proceedings Court/magistrates' court, it must be a certified copy (a copy certified by a court officer to be a true copy of the original order), or a copy that has been stamped with the seal of the originating court. If you are in any doubt about what is needed, please contact the court where you are applying for assistance.

Take or send the completed petition to the court together with the court fee and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you can go to [www.justice.gov.uk](http://www.justice.gov.uk) or contact the court for more information.

Complete the form as fully as you are able. If the form is not fully completed the court may be unable to issue your application and this may delay your case.

If you entered into a religious marriage as well as a civil marriage, these presumption of death and dissolution proceedings may not end the religious part of your marriage. It is important that you contact the relevant religious authority which authorised the marriage to see whether or not you should take steps to end that marriage. If you do not end the religious marriage, this could have consequences for you and your children.

## Tystysgrif Priodas/Partneriaeth Sifil

Yn y ffurflen hon, mae unrhyw gyfeiriad at dystysgrif priodas neu dystysgrif partneriaeth sifil yn golygu copi ardystiedig o'r cofnod yn y Gofrestr Priodasau neu'r Gofrestr Partneriaethau Sifil. Os nad yw'r dystysgrif briodas/partneriaeth sifil wreiddiol gennych, gallwch wneud cais i'r Swyddfa Gofrestru Gyffredinol neu i'r Swyddfa Gofrestru berthnasol am gopi ardystiedig. I gael rhagor o fanylion cysylltwch â'r Swyddfa Gofrestru Gyffredinol, PO Box 2, Southport, Merseyside, PR8 2JD (0845 603 7788).

Os priodwyd chi neu os ffurfiwyd eich partneriaeth sifil y tu allan i Gymru a Lloegr, dylech gysylltu â'r awdurdodau perthnasol yn y wlad briodol i gael tystysgrif.

Yn achos ceisiadau brys, efallai y bydd modd i chi ddarparu ymrwymiad i'r llys i ddod â'r dystysgrif briodas/partneriaeth sifil wreiddiol neu gopi ardystiedig ohoni i'r llys yn ddiweddarach.

## Cymorth i lenwi'r ffurflen

Bydd y nodiadau isod yn eich helpu i lenwi'r ddeiseb. Ond, os nad ydych yn sicr am unrhyw rai o'r cwestiynau neu sut i'w hateb, efallai y dymunwch gael cyngor cyfreithiol.

**Tudalen 1:** Rhwch yr enw llawn yr ydych yn cael eich adnabod wrtho ar hyn o bryd, ac yna cadarnhau beth yr ydych yn gwneud cais amdano drwy dicio'r blwch priodol.

## Rhan 1: Amdanoch chi (y Deisebydd) a'r Atebydd

Chi yw'r Deisebydd. Eich priod neu eich partner sifil yw'r Atebydd. Dylech roi eich manylion presennol chi a manylion hysbys diwethaf yr Atebydd cyn llawned ag y gallwch.

### Galwedigaeth

Rhowch eich galwedigaeth chi a galwedigaeth olaf yr Atebydd. Os nad ydych yn gweithio ar hyn o bryd, rhowch 'Di-waith/wedi ymddeol/gofalwr' neu ryw ddisgrifiad arall o'ch sefyllfa.

## Marriage/Civil Partnership certificate

In this form any reference to a marriage certificate or civil partnership certificate means a certified copy of the entry in the Register of Marriages or Register of Civil Partnerships. If you do not have the original marriage/civil partnership certificate, you can apply for a certified copy from the General Register Office or from the relevant Register Office. For further details please contact the General Register Office, PO Box 2, Southport, Merseyside, PR8 2JD (0845 603 7788).

If you married or entered into a civil partnership outside of England and Wales you should contact the relevant authorities in the appropriate country to obtain a certificate.

In cases of emergency applications it may be possible for you to provide an undertaking to the court to deliver the original or a certified copy of the marriage/civil partnership certificate to the court at a later date.

## Assistance in completing the form

The notes below will help you to complete the petition. However if you are unsure about any of the questions or how to answer them you may wish to seek legal advice.

**Page 1:** Insert the full name by which you are currently known, and then confirm what you are applying for by ticking the appropriate box.

## Part 1: About you (the Petitioner) and the Respondent

You are known as the Petitioner. Your spouse or civil partner is known as the Respondent. You should enter your current details and the Respondent's last known details as fully as you know them.

### Occupation

Please give your occupation and the last one of the Respondent. If you are not in current employment, please state 'Unemployed/retired/carer' or some other description of your situation.

## Rhan 2: Manylion y briodas/ bartneriaeth sifil

Mae'n bwysig fod y manylion yn cael eu nodi yn union fel y cânt eu dangos ar eich tystysgrif briodas neu bartneriaeth sifil.

Dylech atodi copi ardystiedig o'r dystysgrif briodas/partneriaeth sifil ynghyd ag unrhyw ddogfennau ategol eraill sy'n ymwneud ag unrhyw newid i enw (megis copi ardystiedig o weithred newid enw). Ni ellir derbyn llungopiau. Os gwnaethoch briodi neu ymrwymo i bartneriaeth sifil mewn gwlad dramor a bod eich tystysgrif briodas/partneriaeth sifil yn iaith y wlad honno, rhaid i chi ddarparu cyfieithiad o'r dystysgrif yn Saesneg, neu yn Gymraeg mewn llys yng Nghymru, a hynny oddi wrth unigolyn awdurdodedig (unigolyn wedi'i awdurdodi i wneud cyfieithiadau). Dylai'r cyfieithiad gael ei lofnodi gan notari cyhoeddus neu ei ddilysu gan ddatganiad gwirionedd.

Pan fyddwch yn nodi ym mhle y gweinyddwyd y briodas neu ym mhle y ffurfiwyd y bartneriaeth sifil, dylech ysgrifennu'r union eiriau sydd ar y dystysgrif briodas/partneriaeth sifil, gan gynnwys y geiriau sydd wedi'u hargraffu ac mewn llawysgrifen, sy'n dod ar ôl yr ymadrodd 'Gweinyddwyd y briodas yn' neu 'Ffurfiwyd y Bartneriaeth Sifil yn'.

Er enghraifft:

- Ar gyfer priodas mewn Swyddfa Gofrestru:  
'Y Swyddfa Gofrestru, yn Nosbarth ..... yn Sir.....'
- Ar gyfer priodas a gynhaliwyd mewn eglwys:  
'Eglwys..... ym Mhlwyf..... yn Sir.....'
- Ar gyfer partneriaeth sifil: '..... yn Awdurdod Cofrestru .....

## Rhan 3: Awdurdodaeth

Mae'n bwysig bod yn sicr fod gan y llys awdurdodaeth (â gallu fel mater cyfreithiol) i ddelio â'ch cais. Mae awdurdodaeth yn dibynnu ar y ffaith bod gennych chi a/neu'r Atebydd gysylltiad penodol â Chymru a Lloegr. Mae'n bosibl i chi gael cysylltiad o dan fwy nag un opsiwn.

Mae'r cysylltiadau perthnasol yn cael eu disgrifio ar y ffurflen. Mae'r prif gysylltiadau'n dibynnu ym mhle mae eich 'preswylfan arferol' neu eich 'domisil'.

## Part 2: Details of marriage/civil partnership

It is important that the details are entered exactly as they are shown on your marriage or civil partnership certificate.

You should attach a certified copy of the marriage/civil partnership certificate together with any other supporting documents regarding any change of name (such as a certified copy of a change of name deed). Photocopies cannot be accepted. If you married or entered into a civil partnership in a foreign country and your marriage/civil partnership certificate is in the language of that country, you must provide a translation of the certificate into English, or Welsh in a court in Wales, from an authorised person (a person authorised for translations). The translation should be signed by a notary public or be authenticated by a statement of truth.

When giving the place at which the marriage/civil partnership was formed you should write the exact words contained in the marriage/civil partnership certificate, including both the printed and written words, which come after the phrase 'Marriage solemnised at' or 'Civil Partnership formed at'.

For example:

- For a marriage in a Register Office: 'The Register Office, in the District of ..... in the County of.....'
- For a marriage which took place in a church:  
'..... Church, in the Parish of .....in the County of .....
- For a civil partnership: '..... in the Registration Authority of .....

## Part 3: Jurisdiction

It is important to be sure that the court has jurisdiction (is able as a matter of law) to deal with your application. Jurisdiction depends on you and/or the Respondent having a specific connection to England and Wales. It is possible for you to have a connection under more than one option.

The relevant connections are set out on the form. The principal connections depend on where you have your 'habitual residence' or your 'domicile'.

**Preswylfan Arferol** – Dyma'r wlad ble rydych yn byw'n wirfoddol ac at ddibenion sefydlog (megis gwaith, hyfforddiant, bywyd teuluol) ar wahân i absenoldebau dros dro neu achlysurol. Mae'n rhaid i chi dreulio amser sylweddol mewn man i fod yn preswyllo'n arferol yno.

**Domisil** – Dyma'r wlad yr ydych yn ei hystyried yn gartref parhaol i chi.

Mae gan y llys awdurdodaeth i ddelio â'ch cais os oeddech chi naill ai:

- â'ch domisil yng Nghymru a Lloegr ar ddyddiad codi'r ddeiseb; neu
- os oeddech chi'n preswyllo'n arferol yng Nghymru a Lloegr gydol y cyfnod o flwyddyn yn diweddu ar ddyddiad codi'r ddeiseb.

### **Sail arall – partneriaeth sifil yn unig**

Os nad oes yr un o'r uchod yn berthnasol i chi a bod y cais yn ymwneud â phartneriaeth sifil, mae gan y llys awdurdodaeth i ddelio â'ch cais os:

- gwnaethoch chi a'r Atebydd gofrestru fel partneriaid sifil i'ch gilydd yng Nghymru a Lloegr; ac
- os yw'r llys o'r farn y byddai ysgwyddo awdurdodaeth er budd cyfiawnder.

Os ydych am ddibynnu ar y sail hon dylech nodi'n fyr eich rhesymau dros ofyn i'r llys ysgwyddo awdurdodaeth.

Os nad oes dim o'r cysylltiadau a ddisgrifir uchod yn cyfateb i'ch sefyllfa chi, ni fydd gan y llys awdurdodaeth i ddelio â'ch cais.

**Os ydych yn llenwi'r ffurflen hon ac angen cymorth i benderfynu pa gysylltiad sy'n berthnasol, dylech gael cyngor cyfreithiol, yn arbennig mewn achosion rhyngwladol.**

## **Rhan 4: Achosion neu drefniadau eraill**

Dylech nodi os oes achos arall wedi'i gynnal yng Nghymru a Lloegr, neu mewn man arall, yn ymwneud â'r canlynol:

- eich priodas/partneriaeth sifil
- unrhyw blentyn yn y teulu
- unrhyw eiddo sy'n perthyn i chi neu i'r Atebydd.

Mae hyn yn cynnwys unrhyw achos yn ymwneud â'r briodas/partneriaeth sifil, neu ag unrhyw un o blant y teulu hyd yn oed os yw'r achos wedi dod i ben erbyn hyn neu os rhoddwyd y gorau i'r achos heb i benderfyniad terfynol gael ei wneud.

**Habitual Residence** – This is the country where you live voluntarily and for settled purposes (such as work, training, family life), apart from temporary or occasional absences. You must spend a substantial amount of time in a place to be habitually resident there.

**Domicile** – This is the country which you consider to be your permanent home.

The court has jurisdiction to deal with your application if either:

- you are domiciled in England and Wales on the date when the petition is issued; or
- you were habitually resident in England and Wales throughout the period of one year ending with the date when the petition is issued.

### **Alternative ground – civil partnership only**

If neither of the above connections applies to you and the application relates to a civil partnership, the court has jurisdiction to deal with your application if:

- you and the Respondent registered as civil partners of each other in England and Wales; and
- it appears to the court to be in the interests of justice to assume jurisdiction.

If you wish to rely on this ground you should briefly state your reasons for asking the court to assume jurisdiction.

If none of the connections described above matches your situation, the court will not have jurisdiction to deal with your application.

**If you are completing this form and need help in deciding which connection applies, you should seek legal advice particularly in international cases.**

## **Part 4: Other proceedings or arrangements**

You should indicate, if there have been other proceedings in England and Wales, or elsewhere, concerning:

- your marriage/civil partnership
- any child of the family
- any property belonging to either you or to the Respondent.

This includes any proceedings relating to the marriage/civil partnership, or to any child of the family even if the proceedings have now finished or were abandoned without a final decision being made.

Dylech roi manylion y llys ble cynhaliwyd yr achos, manylion y gorchymyn/gorchmynion a wnaethpwyd, manylion unrhyw wrandawiadau yn y dyfodol ac, os oedd yr achos yn ymwneud â'ch priodas/partneriaeth sifil, dywedwch a wnaethoch chi a'r Atebydd barhau i fyw gyda'ch gilydd fel pâr priod/partneriaid sifil ar ôl i'r gorchymyn gael ei wneud.

Os oes achos wedi'i gynnal mewn llys y tu allan i Gymru a Lloegr sydd wedi effeithio ar y briodas/bartneriaeth sifil, neu a allai effeithio arnynt, rhwch enw'r wlad a'r llys lle mae'r achos yn cael ei gynnal neu wedi'i gynnal, dyddiad cychwyn yr achos ac enwau'r partïon, manylion y gorchymyn/gorchmynion a wnaethpwyd ac, os nad oes gorchymyn wedi'i wneud hyd yma, dyddiad unrhyw wrandawiad(au) i'r dyfodol.

## **Rhan 5: Y ffaith/ffeithiau**

Os ydych yn gwneud cais am ddyfarniad/orchymyn rhagdybio marwolaeth a diddymu, atebwch y cwestiynau yng nghyswllt marwolaeth ragdybiedig eich priod/partner sifil. Os ydych am wneud cais am ddyfarniad/orchymyn ysgaru/diddymu yn lle hynny, os yw'r Atebydd yn dal yn fyw, ticiwch y blwch sy'n datgan hyn ac atodi deiseb ysgaru/diddymu/gwahanu D8. Dylai hon ddarparu tystiolaeth eich bod wedi byw ar wahân am gyfnod parhaus o bum mlynedd o leiaf yn union cyn y cais hwn gan gynnwys y dyddiad gwahanu a manylion byr am sut y daethoch i wahanu. Sylwch mai dim ond un ffi y bydd angen i chi ei thalu i godi'r y cais.

## **Rhan 6: Datganiad achos**

Darperir y lle gwag hwn i chi roi rhagor o fanylion, yr ydych yn eu defnyddio i brofi'r rhagdybio a roddwyd yn Rhan 5.

## **Rhan 7: Manylion y plant**

Mae'r rhan hon yn gofyn am fanylion plant y teulu. Mae 'plant y teulu' yn cynnwys:

- (a) Plant a aned i chi ac i'r Atebydd neu a fabwysiadwyd gan y ddau ohonoch;
  - (b) Plant eraill y mae'r ddau ohonoch yn eu trin fel plant y teulu: er enghraifft eich plant chi neu blant yr Atebydd, neu blant sydd wedi'u mabwysiadu gan un ohonoch;
- Dylai unrhyw blant yn y categorïau hyn gael eu cynnwys yn eich deiseb.

Ar gyfer pob plentyn, dylech nodi:

- eu henwau llawn, gan gynnwys eu cyfenw
- eu rhywedd
- eu dyddiad geni, neu mae'n rhaid i chi, os yw'n berthnasol, ddatgan eu bod dros 18 oed

You should give details of the name of the court in which the proceedings took place, details of the order(s) which were made, details of any future hearings and, if proceedings were about your marriage/civil partnership, say whether you and the Respondent resumed living together as spouses/civil partners after the order was made.

If there have been proceedings in a court outside England and Wales which have affected the marriage/civil partnership, or may affect it, please give the name of the country and the court in which they are taking/have taken place, the date the proceedings were begun and the names of the parties, details of the order(s) made and if no order has yet been made, the date of any future hearing(s).

## **Part 5: The fact(s)**

If you are applying for a presumption of death and dissolution decree/order answer the questions in relation to the presumed death of your spouse/civil partner. If you wish to apply for an alternative divorce/dissolution decree/order, if the Respondent is still alive, please tick the box stating this & attach a completed D8 Divorce/dissolution/separation petition. This should provide evidence that you have lived apart for a continuous period of at least 5 years immediately preceding this application including the date of separation and brief details of how the separation came about. Please note you will only need to pay one fee to issue the application.

## **Part 6: Statement of case**

This space is provided for you to give any further, which you are using to prove the presumption given in Part 5.

## **Part 7: Details of the children**

This part asks for details of children of the family. 'Children of the family' includes:

- (a) Children born to both you and the Respondent or adopted by both of you;
- (b) Other children treated by both of you as children of the family: for example your own or the Respondent's children, or children adopted by one of you;

Any children in these categories should be included on your petition.

For each child you should state:

- their full names, including surname
- their gender
- their date of birth, or you must if applicable state that they are over 18

- os yw'r plentyn dros 16 oed ond o dan 18 oed, rhaid i chi ddatgan a yw yn yr ysgol neu'r coleg, neu'n hyfforddi ar gyfer crefft, proffesiwn neu alwedigaeth, neu'n gweithio'n amser llawn
- pa un ai ydynt yn dod o dan (a) neu (b) uchod.

### **Datganiad trefniadau ar gyfer plant**

Does dim angen i chi lenwi datganiad trefniadau ar gyfer plant pan fyddwch yn gwneud cais am ddyfarniad/orchymyn rhagdybio marwolaeth.

## **Rhan 8: Cymorth neu gyfleusterau arbennig os byddwch yn dod i'r llys**

Os bydd angen cymorth a/neu gyfleusterau arbennig arnoch oherwydd anabledd neu nam, nodwch eich gofynion yn llawn os gwelwch yn dda. Bydd angen i staff y llys wybod, er enghraifft, os ydych am gael dogfennau mewn fformat gwahanol, megis Braille neu brint bras. Bydd angen iddynt hefyd wybod am unrhyw ofynion penodol y bydd gennych ar ddiwrnod y gwrandawriad, megis mynediad i gadair olwyn, dolen sain, neu ddehonglydd iaith arwyddion. Os bydd angen cyfieithydd arnoch ar gyfer iaith dramor a heb allu darparu un eich hun, gallwch ofyn i'r llys archebu un ar eich cyfer.

Bydd staff y llys yn cysylltu â chi am eich gofynion. Mae'n bwysig eich bod yn dweud wrth y llys am eich holl anghenion. Os na wnewch hynny efallai y bydd oedi neu efallai y bydd angen gohirio'r gwrandawriad tan ddyddiad arall.

## **Rhan 9: Manylion cyflwyno**

Trwy gydol y broses rhagdybio marwolaeth, bydd yn rhaid i'r llys anfon dogfennau atoch chi. Gelwir hyn y broses cyflwyno dogfennau.

Llenwch y blychau yn yr adran hon fel a ganlyn:

Blwch 1 – Os oes gennych gyfreithiwr yn gweithredu ar eich rhan, rhaid i chi roi ei fanylion yma.

Blwch 2 – Dyma'r cyfeiriad lle bydd y llys yn anfon yr holl ddogfennau ar gyfer y Deisebydd. Os oes gennych gyfreithwyr yn gweithredu ar eich rhan rhowch 'fel uchod' yma.

Cofiwch, os byddwch yn dweud bod gennych gyfreithiwr yn gweithredu ar eich rhan, dim ond â'r cyfreithiwr y bydd y llys yn gohebu. Os bydd gennych unrhyw gwestiynau am eich achos, holwch eich cyfreithiwr.

Caiff y llys ar unrhyw adeg roi cyfarwyddiadau am gyflwyno'r ddeiseb ac ynghylch a ddylai unrhyw unigolyn arall gael ei wneud yn barti yn yr achos neu gael gwybod am yr achos.

- if the child is over 16 but under 18 you must state whether he or she is at school or college, or training for a trade, profession or vocation, or is working full time
- whether they fall under (a) or (b) above.

### **Statement of arrangements for children**

There is no need to complete a statement of arrangements for children when applying for a presumption of death decree/order.

## **Part 8: Special assistance or facilities if you attend court**

If you need special assistance and/or special facilities due to a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, if you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter. If you require a foreign language interpreter and are unable to provide your own, you may request that one is booked by the court.

The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, any hearing may have to be delayed or adjourned to another date.

## **Part 9: Service details**

Throughout the presumption of death process, the court will be required to send documents to you. This is known as service of the documents.

Please complete the boxes in this section as follows:

Box 1 – If you have a solicitor acting for you, you must insert their details here.

Box 2 – This is the address to which the court will send all documentation for the Petitioner. If you have solicitors acting for you then enter 'as above'.

Please note that if you indicate that you have a solicitor acting for you the Court will only correspond with them. Any questions that you may have about your case should be directed to your solicitor.

The court may at any stage give directions about the service of the petition and whether any other person should be made a party to, or given notice of, the proceedings.

## Rhan 10: Deisyfiad

Deisyfiad y ddeiseb yw eich cais chi i'r llys yn cadarnhau'r hyn yr ydych yn gwneud cais amdano.

### Beth y bydd yn rhaid i mi ei anfon i'r llys?

- ☐ Eich deiseb am ddyfarniad/orchymyn rhagdybio marwolaeth a diddymu wedi'i llenwi – un ar gyfer cofnodion y llys. Dylech gadw copi ar gyfer eich cofnodion chi.
- ☐ Un dystysgrif briodas/partneriaeth sifil wreiddiol neu ardystiedig - ni dderbynnir llungopïau. (Yn achos ceisiadau brys, efallai y bydd modd i chi ddarparu ymrwymiad i'r llys i ddod â'r dystysgrif briodas/partneriaeth sifil wreiddiol neu gopi ardystiedig ohoni i'r llys yn ddiweddarach.)
- ☐ Y ffi briodol ar gyfer codi. Darllenwch daflen **EX50 – Ffioedd Llysoedd Sifil a Theulu** i gael manylion y ffioedd sy'n daladwy ac a oes yn rhaid i chi eu talu ai peidio.

## Part 10: Prayer

The prayer of the petition is your request to the court confirming what you are applying for.

### What must I send to the court?

- ☐ Your completed petition for presumption of death decree/order and dissolution – one for the court records. You should keep a copy for your records.
- ☐ One original or certified marriage/civil partnership certificate – photocopies will not be accepted. (In cases of urgent applications it may be possible for you to provide an undertaking to the court to deliver the original or a certified copy of the marriage/civil partnership certificate to the court at a later date.)
- ☐ The appropriate issue fee. Please see leaflet **EX50 – Civil and Family Court fees** for details on the fees payable and whether or not you have to pay them.